

COMMISSIONERS APPROVAL

GRANDSTAFF *Ch*

ROKOSCH *GR*

THOMPSON

CHILCOTT *Ch*

DRISCOLL *Ch*

PLETTENBERG (Clerk & Recorder)

Date.....December 16, 2008

Members Present.....Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner Kathleen Driscoll

► Minutes: Beth Perkins

► Commissioner Driscoll attended a Healthy Families breakfast at the Bedford Building in Hamilton in the morning hours.

► The Board met for the following administrative matters:

- Cash in Lieu of Parkland for North Park Bonanza 2: Planner Tristan Riddell presented the Board with RCA (Request for Commission Action) for cash in lieu. **Commissioner Chilcott made a motion to accept cash in lieu in the amount of \$8,400 for parkland dedication for North Park Bonanza 2. Commissioner Thompson seconded the motion and all voted 'aye'.**
- Release of Improvement Agreement for Gun Shy Ridge 3: Tristan stated the requirement was to add chip seal to the road and it has been completed. **Commissioner Chilcott made a motion to execute the release of the Improvement Agreement for Gun Shy Ridge 3 by adoption of Resolution No. Commissioner Thompson seconded the motion and all voted 'aye'.**
- Discussion of Reduced speed limit/speed study on Bowman and 93: Administrative Assistant Glenda Wiles stated this is a citizen request and then read the request to the Board. After discussion, it was decided to not act on the citizen's request for a speed study due to cost.
- Civil Counsel Update on loan documents with WMMH: Civil Counsel Dan Browder stated he did not have the interest rate yet, therefore he could not give the update at this time.

- Minute Approval for August, September, October and November 2008:
Commissioner Chilcott made a motion to approve the minutes for August, September, October and November 2008 as amended. Commissioner Thompson seconded the motion and all voted 'aye'.

► The Board met for discussion and decision on the utilization of 1st floor conference room and space for Commissioners Staff. Present were Administrative Assistant Glenda Wiles, Extension Agent Bobbie Roos, Interim Planning Director John Lavey and Project Planner Jen De Groot. Commissioner Driscoll was not present for this meeting.

Glenda gave an overview of the lack of space for the Commissioners filing room due to grants and CTEP files. She discussed previous Board decision to utilize the small conference room for file space. Commissioner Chilcott stated he understands the difficulty with Planning trying to hold meetings two floors down. Jen stated the small conference room is utilized by more departments than just Planning. She suggested it would be an issue if they can't use the room at all. John stated the issue is the convenience is for the pre-apps to meet upstairs and then go back downstairs. Bobbie stated Extension utilizes the 1st floor conference room for various meetings and 4-H. Commissioner Thompson stated he does not see any alternative but to utilize the small conference room for file space. There is no room with the current space. Commissioner Chilcott suggested a scanning program to archive more files. Glenda suggested putting two more file cabinets in the small conference room and a desk along the one wall. She further suggested having the visiting Senator staff utilize the Extension room and continue to schedule the use of the room with Extension. Commissioner Grandstaff suggested coordinating the use of the small conference room with Internal Auditor Klarryse Murphy as she too needs a quiet place to work. The Board concurred.

► The Board met for discussion and decision with Weed Board and Civil Counsel Karen Mahar for conflicts of interest issues and communication issues. Present were Weed Supervisor Kellieann Morris, Extension Agent Bobbie Roos, Interim Planning Director John Lavey, and several Weed Board members.

Commissioner Grandstaff called the meeting to order.

Kellieann stated the Weed district has a few people who are educated with sprays and weed removal and the laws. She stated they are looking for a definition of who can sit on the Board and how they should conduct themselves with contracts and grant work. Commissioner Grandstaff stated there is an issue of conflict with people serving on the Weed Board who have contracts with the County. Civil Counsel Karen Mahar stated the law on conflicts of interest is complicated. She stated the difficulty is it changes upon the situation. She then cited MCA 2-2-121. She stated they cannot use public time, facilities, or public supplies for public businesses. You cannot engage in contracts or funds for business transactions for private business while serving on public boards for the County. She stated the question is disclosing the conflict or preventing you from serving on the board. Karen gave a few examples of conflicts and self disclosure. She then stated it is up

to the Weed Board to disclose any issues prior to a vote. She explained if the Weed Board does not agree with a conflict, they can bring it forward to the Board of Commissioners. She stated they may not participate with a proceeding unless the conflict is disclosed. This disclosure is only for public duty versus private interest conflict. She stated there may be an isolated conflict, but it may in the future become a conflict if it affects serving on the board. Karen gave an example of a ballot issue and a board member wanted to lobby for it and then have it come up as an issue to vote on. She suggested putting something in writing prior to meeting for the conflicts.

Larry Trexler stated the Weed Board has potential conflicts all the time. There may be someone involved in private weed spraying. Karen replied the specific facts would have to be looked at and walk through the criteria of the statute. If the Board is funded by a grant and the grant is the primary funding for the Board then it would be a conflict of the person serving on the Board. Larry asked if they are in a chemical business if they had to disclose it. Karen replied if they are saying the Board is going to buy spray and the person would like to bid for it, then yes, it would be a conflict of interest. If it is an important financial matter and a public service interest, most people would chose the financial matter. She stated the ethic rules are to make these instances transparent.

Karen stated with the bylaws for Boards, there should be training for new board members. Commissioner Grandstaff stated there will be training for Board members in February available to all advisory boards. She suggested all board members attend. Karen stated her point was for training so everyone is informed and any bylaws and organization documents should be reviewed and amended as necessary with approval by the Commissioners.

Kellieann discussed the difference with grant money versus contract money. She stated the grant is a program from Department of Agriculture and the Weed district pays directly to the group of landowners. Contracts are money directly to the Weed budget and then to the contractors. Her concern is the issue of a board member making profit with a contract from their budget. She stated in her understanding that if the contract is over \$50,000 it should go to legal bid. Karen stated it is hard to answer outside of a specific proposal. A grant will specify how the funds are used and within specific bidding requirements. She stated straight contacts and other non-earmarked funds have to follow County contract specifics and what the contract is for. Karen stated the \$50,000 is specific to construction. She stated it should be taken contract by contract with Title 7. Kellieann expressed her concern with spending unnecessary funds for advertising when the Board can make a decision. Karen stated the Board of Commissioner would ultimately make the decision on any contract since they are the contracting entity for the County. Karen stated she will send Kellieann a copy of the statute for guidelines. She stated the Weed Board can enter into a contract for pesticide spraying. Larry asked if they can enter into a contract with a commercial applicator within budget authority. Karen replied yes. When the contract is received, it would have to be reviewed within statute for action. Karen stated other types of contracts in excess of \$50,000 would have to go out to bid. She reviewed the need of a standard process for bids. Karen stated there will always be exceptions of equipment specifications within the bid. If the Weed Board would like

to make an amendment to their bylaws, they will have to bring those amendments to the Board of Commissioners.

Karen stated with competitive bidding, the notice has to be published twice and it has to be awarded to the lowest responsible bidder which does not mean the actual lowest bidder. The choice also has to be articulated. The Weed Board thanked Commissioner Alan Thompson for his years of service.

► Commissioner Driscoll attended the Bitterroot Valley Local Advisory Committee meeting at Marcus Daly Hospital.

► Commissioner Grandstaff attended the Community Relations Council meeting at the Forest Supervisor's Office.

► Commissioner Driscoll attended an American Legion meeting at Corvallis Methodist Church to pack boxes for Christmas presents to Iraq Troops.